

ESTTA Tracking number: **ESTTA217422**

Filing date: **06/12/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Walgreen Co.		
Entity	Corporation	Citizenship	Illinois
Address	200 Wilmot Road Deerfield, IL 60015 UNITED STATES		

Attorney information	Cary M. Pumphrey, Attorney, Int. Prop. Walgreen Co. 104 Wilmot Road Deerfield, IL 60015 UNITED STATES cary.pumphrey@walgreens.com, kate.collins@walgreens.com Phone:847-315-4582
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Registration Subject to Cancellation

Registration No	2507831	Registration date	11/13/2001
Registrant	Osteon Inc. 108 VILLAGE SQUARE #175 SOMERS, NY 10589 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 1999/10/15 First Use In Commerce: 2000/07/15 All goods and services in the class are cancelled, namely: Nutritional supplement, dietary supplements, calcium supplements, antacids, nutritional calcium supplements containing vitamins and minerals, nutraceuticals and pharmaceutical preparations used to treat osteoporosis and premenstrual balance

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancel 6-10-08.pdf (2 pages)(15979 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/cary m. pumphrey/
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Name	Cary M. Pumphrey, Attorney, Int. Prop.
Date	06/12/2008

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD

WALGREEN CO.)	
)	
Petitioner,)	
)	Cancellation No. _____
v.)	
)	Registration No. 2,507,831
OSTEON INC.)	
)	Date of Issue: November 13, 2001
Registrant – Respondent)	
)	

PETITION FOR CANCELLATION

Petitioner, Walgreen Co., an Illinois corporation with a principal place of business located at 104 Wilmot Rd., Deerfield, IL 60015 believes it is or will be damaged by Registration No. 2,507,831 and hereby petitions to cancel same.

Respondent Osteon, Inc.'s Registration was filed on October 12, 1998 for the mark CALCICREMES. The mark was registered on the principle register for "Nutritional supplement, dietary supplements, calcium supplements, antacids, nutritional calcium supplements containing vitamins and minerals, nutraceuticals and pharmaceutical preparations used to treat osteoporosis and premenstrual balance" in Class 5 on November 13, 2001 and claims a date of first use of the mark in connection with these goods on July 15, 2000.

As grounds for this Petition, Petitioner alleges:

1. Petitioner has an intent to use the mark CALCIUM CREAMIES for calcium supplements.

2. Petitioner's efforts to register the mark CALCIUM CREAMIES, Serial No. 76/686781, for use in connection with the above-identified goods and services has been refused, in part, on the basis of Respondent's Registration.

3. Petitioner's investigation of Respondent's Registration indicates that Respondent is no longer using the mark CALCICREMES in commerce in the United States and such mark should be deemed abandoned within the meaning of 15 U.S.C. 1064(3).

4. Petitioner will be damaged by continued registration of Respondent's mark and requests cancellation of the same.

Enclosed herewith is the applicable fee of \$300.00 for filing this cancellation action and a duplicate copy of the Petition.

WHEREFORE, Petitioner prays Registration No. 2,507,831 be cancelled and this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully Submitted,

Date: 6/12/08

/cary m. pumphrey/
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